

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 236**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Social Services, Medicaid and the Elderly, May 2, 2001, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236 Do Pass.

TED WEDEL, Chief Clerk

0889L.03C

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**AN ACT**

To repeal sections 208.028, 208.029, 208.040, 208.151 and 453.072, RSMo 2000, and to enact in lieu thereof seven new sections relating to public assistance programs, with penalty provisions and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 208.028, 208.029, 208.040, 208.151 and 453.072, RSMo 2000, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 208.040,  
3 208.146, 208.151, 208.819, 453.072, 453.320 and 453.325, to read as follows:

208.040. 1. Temporary assistance benefits shall be granted on behalf of a dependent  
2 child or children and may be granted to the parents or other needy eligible relative caring for a  
3 dependent child or children who:

4 (1) Is under the age of eighteen years; or is under the age of nineteen years and a  
5 full-time student in a secondary school (or at the equivalent level of vocational or technical  
6 training), if before the child attains the age of nineteen the child may reasonably be expected to  
7 complete the program of the secondary school (or vocational or technical training);

8 (2) Has been deprived of parental support or care by reason of the death, continued  
9 absence from the home, or physical or mental incapacity of a parent, and who is living with  
10 father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother,  
11 stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one  
12 or more of such relatives as the child's own home, and financial aid for such child is necessary

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 to save the child from neglect and to secure for the child proper care in such home. Physical or  
14 mental incapacity shall be certified to by competent medical or other appropriate authority  
15 designated by the division of family services, and such certificate is hereby declared to be  
16 competent evidence in any proceedings concerning the eligibility of such claimant to receive aid  
17 to families with dependent children benefits. Benefits may be granted and continued for this  
18 reason only while it is the judgment of the division of family services that a physical or mental  
19 defect, illness or disability exists which prevents the parent from performing any gainful work;

20 (3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments,  
21 or aid or public relief as an unemployable person;

22 (4) Is a resident of the state of Missouri.

23 2. The division of family services shall require as additional conditions of eligibility for  
24 benefits that each applicant for or recipient of aid:

25 (1) Shall furnish to the division the applicant or recipient's Social Security number or  
26 numbers, if the applicant or recipient has more than one such number;

27 (2) Shall assign to the division of family services in behalf of the state any rights to  
28 support from any other person such applicant may have in the applicant's own behalf or in behalf  
29 of any other family member for whom the applicant is applying for or receiving aid. An  
30 application for benefits made under this section shall constitute an assignment of support rights  
31 which shall take effect, by operation of law, upon a determination that the applicant is eligible  
32 for assistance under this section. The assignment is effective as to both current and accrued  
33 support obligations and authorizes the division of child support enforcement of the department  
34 of social services to bring any administrative or judicial action to establish or enforce a current  
35 support obligation, to collect support arrearages accrued under an existing order for support, or  
36 to seek reimbursement of support provided by the division;

37 (3) Shall cooperate with the divisions of family services and of child support  
38 enforcement unless the division of family services determines in accordance with federally  
39 prescribed standards that such cooperation is contrary to the best interests of the child on whose  
40 behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born  
41 out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such  
42 applicant and for a child with respect to whom such aid is claimed, or in obtaining any other  
43 payments or property due such applicant or such child. The divisions of family services and of  
44 child support enforcement shall impose all penalties allowed pursuant to federal participation  
45 requirements;

46 (4) Shall cooperate with the department of social services in identifying and providing  
47 information to assist the state in pursuing any third party who may be liable to pay for care and  
48 services available under the state's plan for medical assistance as provided in section 208.152,

49 unless such individual has good cause for refusing to cooperate as determined by the department  
50 of social services in accordance with federally prescribed standards; and

51 (5) Shall participate in any program designed to reduce the recipient's dependence on  
52 welfare, if requested to do so by the department of social services.

53 3. The division shall require as a condition of eligibility for temporary assistance benefits  
54 that a minor child under the age of eighteen who has never married and who has a dependent  
55 child in his or her care, or who is pregnant and otherwise eligible for temporary assistance  
56 benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult  
57 relative or in some other adult-supervised supportive living arrangement, as required by Section  
58 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in  
59 accordance with requirements of the federal Family Support Act of 1988 in any of the following  
60 circumstances:

61 (1) The individual has no parent or legal guardian who is living or the whereabouts of  
62 the individual's parent or legal guardian is unknown; or

63 (2) The division of family services determines that the physical health or safety of the  
64 individual or the child of the individual would be jeopardized; or

65 (3) The individual has lived apart from any parent or legal guardian for a period of at  
66 least one year prior to the birth of the child or applying for benefits; or

67 (4) The individual claims to be or to have been the victim of abuse while residing in the  
68 home where she would be required to reside and the case has been referred to the child abuse  
69 hotline and a "reason to suspect finding" has been made. Households where the individual  
70 resides with a parent, legal guardian or other adult relative or in some other adult-supervised  
71 supportive living arrangement shall, subject to federal waiver to retain full federal financial  
72 participation and appropriation, have earned income disregarded from eligibility determinations  
73 up to one hundred percent of the federal poverty level.

74 4. If the relative with whom a child is living is found to be ineligible because of refusal  
75 to cooperate as required in subdivision (3) of subsection 2 of this section, any aid for which such  
76 child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without  
77 regard to subsections 1 and 2 of this section.

78 5. The department of social services may implement policies designed to reduce a  
79 family's dependence on welfare. The department of social services is authorized to implement  
80 these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo,  
81 including the following:

82 (1) The department shall increase the earned income and resource disregards allowed  
83 recipients to help families achieve a gradual transition to self-sufficiency, including  
84 implementing policies to simplify employment-related eligibility standards by increasing the

85 earned income disregard to two-thirds by October 1, 1999. The expanded earned income  
86 disregard shall apply only to recipients of cash assistance who obtain employment but not to new  
87 applicants for cash assistance who are already working. Once the individual has received the  
88 two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds  
89 disregard until the individual has not received temporary assistance benefits for twelve  
90 consecutive months. The department shall promulgate rules pursuant to chapter 536, RSMo, to  
91 implement the expanded earned income disregard provisions;

92       **(2) The department shall permit a recipient's enrollment in educational programs**  
93 **beyond secondary education to qualify as a work activity for purposes of receipt of**  
94 **temporary assistance for needy families. Such education beyond secondary education shall**  
95 **qualify as a work activity if such recipient is attending and according to the standards of**  
96 **the institution and the division of family services, making satisfactory progress towards**  
97 **completion of a postsecondary or vocational program. Weekly classroom time and**  
98 **allowable study time shall be applied toward the recipient's weekly work requirement.**  
99 **Such recipient shall be subject to the sixty-month lifetime limit for receipt of temporary**  
100 **assistance for needy families unless otherwise excluded by rule of the division of family**  
101 **services;**

102       **(3) Beginning January 1, 2002, and every two years thereafter, the department of**  
103 **social services shall make a detailed report and a presentation on the temporary assistance**  
104 **for needy families program to the house appropriations for social services committee and**  
105 **the house social services, Medicaid and the elderly committee, and the senate aging,**  
106 **families and mental health committee, or comparable committees;**

107       **(4) Other policies designed to reduce a family's dependence on welfare may include**  
108 **supplementing wages for recipients for the lesser of forty-eight months or the length of the**  
109 **recipient's employment by diverting the temporary assistance grant.**

110

111 **The provisions of this subsection shall be subject to compliance by the department with all**  
112 **applicable federal laws and rules regarding temporary assistance for needy families.**

113       6. The work history requirements and definition of "unemployed" shall not apply to any  
114 parents in order for these parents to be eligible for assistance pursuant to section 208.041.

115       7. The department shall continue to apply uniform standards of eligibility and benefits,  
116 excepting pilot projects, in all political subdivisions of the state.

117       8. Consistent with federal law, the department shall establish income and resource  
118 eligibility requirements that are no more restrictive than its July 16, 1996, income and resource  
119 eligibility requirements in determining eligibility for temporary assistance benefits.

**208.146. 1. Pursuant to the federal Ticket to Work and Work Incentives**

**Improvement Act of 1999 (TWWIIA)(Public Law 106-170), the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:**

**(1) Meets the definition of disabled under the supplemental security income program or meets the definition of an employed individual with a medically improved disability under TWWIIA;**

**(2) Meets the asset limits in subsection 2 of this section; and**

**(3) Has a gross income of two hundred fifty percent or less of the federal poverty guidelines. For purposes of this subdivision, "income" does not include any income of the person's spouse up to one hundred thousand dollars or children. Individuals with incomes in excess of one hundred fifty percent of the federal poverty level shall pay a premium for participation in accordance with subsection 5 of this section.**

**2. For purposes of determining eligibility pursuant to this section, a person's assets shall not include:**

**(1) Any spousal assets up to one hundred thousand dollars, one-half of any marital assets and all assets excluded pursuant to section 208.010;**

**(2) Retirement accounts, including individual accounts, 401(k) plans, 403(b) plans, Keogh plans and pension plans;**

**(3) Medical expense accounts set up through the person's employer;**

**(4) Family development accounts established pursuant to sections 208.750 to 208.775; or**

**(5) PASS plans.**

**3. A person who is otherwise eligible for medical assistance pursuant to this section shall not lose his or her eligibility if such person maintains an independent living development account. For purposes of this section, an "independent living development account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability. Independent living development accounts and retirement accounts pursuant to subdivision (2) of subsection 2 of this section shall be limited to deposits of earned income and earnings on such deposits made by the eligible individual while participating in the program and shall not be considered an asset for purposes of determining and maintaining eligibility pursuant to section 208.151 until such person reaches the age of sixty-five.**

**4. If an eligible individual's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, the individual shall participate in the employer-sponsored insurance. The department shall pay such individual's portion of the premiums, co-payments and any other costs associated**

38 with participation in the employer-sponsored health insurance.

39       **5. Any person whose income exceeds one hundred fifty percent of the federal**  
40 **poverty level shall pay a premium for participation in the medical assistance provided in**  
41 **this section. The premium shall be:**

42       **(1) For a person whose income is between one hundred fifty-one and one hundred**  
43 **seventy-five percent of the federal poverty level, four percent of income at one hundred**  
44 **sixty-three percent of the federal poverty level;**

45       **(2) For a person whose income is between one hundred seventy-six and two**  
46 **hundred percent of the federal poverty level, five percent of income at one hundred eighty-**  
47 **eight percent of the federal poverty level;**

48       **(3) For a person whose income is between two hundred one and two hundred**  
49 **twenty-five percent of the federal poverty level, six percent of income at two hundred**  
50 **thirteen percent of the federal poverty level;**

51       **(4) For a person whose income is between two hundred twenty-six and two hundred**  
52 **fifty percent of the federal poverty level, seven percent of income at two hundred thirty-**  
53 **eight percent of the federal poverty level.**

54       **6. If the department elects to pay employer-sponsored insurance pursuant to**  
55 **subsection 4 of this section then the medical assistance established by this section shall be**  
56 **provided to an eligible person as a secondary or supplemental policy to any employer-**  
57 **sponsored benefits which may be available to such person.**

58       **7. The department of social services shall submit the appropriate documentation**  
59 **to the federal government for approval which allows the resources listed in subdivisions**  
60 **(1) to (5) of subsection 2 of this section and subsection 3 of this section to be exempt for**  
61 **purposes of determining eligibility pursuant to this section.**

62       **8. The department of social services shall apply for any and all grants which may**  
63 **be available to offset the costs associated with the implementation of this section.**

64       **9. The department of social services shall not contract for the collection of**  
65 **premiums pursuant to this chapter. To the best of their ability, the department shall**  
66 **collect premiums through the monthly electronic funds transfer or employer deduction.**

67       **10. Recipients of services through this chapter who pay a premium shall do so by**  
68 **electronic funds transfer or employer deduction unless good cause is shown to pay**  
69 **otherwise.**

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and  
2 to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security  
3 Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to  
4 receive medical assistance to the extent and in the manner hereinafter provided:

5 (1) All recipients of state supplemental payments for the aged, blind and disabled;

6 (2) All recipients of aid to families with dependent children benefits, including all  
7 persons under nineteen years of age who would be classified as dependent children except for  
8 the requirements of subdivision (1) of subsection 1 of section 208.040;

9 (3) All recipients of blind pension benefits;

10 (4) All persons who would be determined to be eligible for old age assistance benefits,  
11 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards  
12 in effect December 31, 1973, or less restrictive standards as established by rule of the division  
13 of family services, who are sixty-five years of age or over and are patients in state institutions  
14 for mental diseases or tuberculosis;

15 (5) All persons under the age of twenty-one years who would be eligible for aid to  
16 families with dependent children except for the requirements of subdivision (2) of subsection 1  
17 of section 208.040, and who are residing in an intermediate care facility, or receiving active  
18 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as  
19 amended;

20 (6) All persons under the age of twenty-one years who would be eligible for aid to  
21 families with dependent children benefits except for the requirement of deprivation of parental  
22 support as provided for in subdivision (2) of subsection 1 of section 208.040;

23 (7) All persons eligible to receive nursing care benefits;

24 (8) All recipients of family foster home or nonprofit private child-care institution care,  
25 subsidized adoption benefits and parental school care wherein state funds are used as partial or  
26 full payment for such care;

27 (9) All persons who were recipients of old age assistance benefits, aid to the permanently  
28 and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to  
29 meet the eligibility requirements, except income, for these assistance categories, but who are no  
30 longer receiving such benefits because of the implementation of Title XVI of the federal Social  
31 Security Act, as amended;

32 (10) Pregnant women who meet the requirements for aid to families with dependent  
33 children, except for the existence of a dependent child in the home;

34 (11) Pregnant women who meet the requirements for aid to families with dependent  
35 children, except for the existence of a dependent child who is deprived of parental support as  
36 provided for in subdivision (2) of subsection 1 of section 208.040;

37 (12) Pregnant women or infants under one year of age, or both, whose family income  
38 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the  
39 federal poverty level as established and amended by the federal Department of Health and  
40 Human Services, or its successor agency;

41 (13) Children who have attained one year of age but have not attained six years of age  
42 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget  
43 Reconciliation Act of 1989). The division of family services shall use an income eligibility  
44 standard equal to one hundred thirty-three percent of the federal poverty level established by the  
45 Department of Health and Human Services, or its successor agency;

46 (14) Children who have attained six years of age but have not attained nineteen years of  
47 age. For children who have attained six years of age but have not attained nineteen years of age,  
48 the division of family services shall use an income assessment methodology which provides for  
49 eligibility when family income is equal to or less than equal to one hundred percent of the federal  
50 poverty level established by the Department of Health and Human Services, or its successor  
51 agency. As necessary to provide Medicaid coverage [under] **pursuant to** this subdivision, the  
52 department of social services may revise the state Medicaid plan to extend coverage under 42  
53 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not  
54 attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d  
55 using a more liberal income assessment methodology as authorized by paragraph (2) of  
56 subsection (r) of 42 U.S.C. 1396a;

57 (15) The following children with family income which does not exceed two hundred  
58 percent of the federal poverty guideline for the applicable family size:

59 (a) Infants who have not attained one year of age with family income greater than one  
60 hundred eighty-five percent of the federal poverty guideline for the applicable family size;

61 (b) Children who have attained one year of age but have not attained six years of age  
62 with family income greater than one hundred thirty-three percent of the federal poverty guideline  
63 for the applicable family size; and

64 (c) Children who have attained six years of age but have not attained nineteen years of  
65 age with family income greater than one hundred percent of the federal poverty guideline for the  
66 applicable family size. Coverage [under] **pursuant to** this subdivision shall be subject to the  
67 receipt of notification by the director of the department of social services and the revisor of  
68 statutes of approval from the secretary of the U.S. Department of Health and Human Services  
69 of applications for waivers of federal requirements necessary to promulgate regulations to  
70 implement this subdivision. The director of the department of social services shall apply for  
71 such waivers. The regulations may provide for a basic primary and preventive health care  
72 services package, not to include all medical services covered by section 208.152, and may also  
73 establish co-payment, coinsurance, deductible, or premium requirements for medical assistance  
74 [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this  
75 subdivision shall be available only to those infants and children who do not have or have not  
76 been eligible for employer-subsidized health care insurance coverage for the six months prior



77 to application for medical assistance. Children are eligible for employer-subsidized coverage  
78 through either parent, including the noncustodial parent. The division of family services may  
79 establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to**  
80 this subdivision. The division of medical services shall define the amount and scope of benefits  
81 which are available to individuals [under] **pursuant to** this subdivision in accordance with the  
82 requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall  
83 be subject to appropriation to provide services approved [under] **pursuant to** the provisions of  
84 this subdivision;

85 (16) The division of family services shall not establish a resource eligibility standard in  
86 assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this  
87 subsection. The division of medical services shall define the amount and scope of benefits which  
88 are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and  
89 (14) of this subsection, in accordance with the requirements of federal law and regulations  
90 promulgated thereunder except that the scope of benefits shall include case management  
91 services;

92 (17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal  
93 care shall be made available to pregnant women during a period of presumptive eligibility  
94 pursuant to 42 U.S.C. section 1396r-1, as amended;

95 (18) A child born to a woman eligible for and receiving medical assistance [under]  
96 **pursuant to** this section on the date of the child's birth shall be deemed to have applied for  
97 medical assistance and to have been found eligible for such assistance under such plan on the  
98 date of such birth and to remain eligible for such assistance for a period of time determined in  
99 accordance with applicable federal and state law and regulations so long as the child is a member  
100 of the woman's household and either the woman remains eligible for such assistance or for  
101 children born on or after January 1, 1991, the woman would remain eligible for such assistance  
102 if she were still pregnant. Upon notification of such child's birth, the division of family services  
103 shall assign a medical assistance eligibility identification number to the child so that claims may  
104 be submitted and paid under such child's identification number;

105 (19) Pregnant women and children eligible for medical assistance pursuant to  
106 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical  
107 assistance benefits be required to apply for aid to families with dependent children. The division  
108 of family services shall utilize an application for eligibility for such persons which eliminates  
109 information requirements other than those necessary to apply for medical assistance. The  
110 division shall provide such application forms to applicants whose preliminary income  
111 information indicates that they are ineligible for aid to families with dependent children.  
112 Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) of

113 **this subsection** shall be informed of the aid to families with dependent children program and  
114 that they are entitled to apply for such benefits. Any forms utilized by the division of family  
115 services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as  
116 practicable;

117 (20) Subject to appropriations necessary to recruit and train such staff, the division of  
118 family services shall provide one or more full-time, permanent case workers to process  
119 applications for medical assistance at the site of a health care provider, if the health care provider  
120 requests the placement of such case workers and reimburses the division for the expenses  
121 including but not limited to salaries, benefits, travel, training, telephone, supplies, and  
122 equipment, of such case workers. The division may provide a health care provider with a  
123 part-time or temporary case worker at the site of a health care provider if the health care provider  
124 requests the placement of such a case worker and reimburses the division for the expenses,  
125 including but not limited to the salary, benefits, travel, training, telephone, supplies, and  
126 equipment, of such a case worker. The division may seek to employ such case workers who are  
127 otherwise qualified for such positions and who are current or former welfare recipients. The  
128 division may consider training such current or former welfare recipients as case workers for this  
129 program;

130 (21) Pregnant women who are eligible for, have applied for and have received medical  
131 assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall  
132 continue to be considered eligible for all pregnancy-related and postpartum medical assistance  
133 provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning  
134 on the last day of their pregnancy;

135 (22) Case management services for pregnant women and young children at risk shall be  
136 a covered service. To the greatest extent possible, and in compliance with federal law and  
137 regulations, the department of health shall provide case management services to pregnant women  
138 by contract or agreement with the department of social services through local health departments  
139 organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or  
140 a city health department operated under a city charter or a combined city-county health  
141 department or other department of health designees. To the greatest extent possible the  
142 department of social services and the department of health shall mutually coordinate all services  
143 for pregnant women and children with the crippled children's program, the prevention of mental  
144 retardation program and the prenatal care program administered by the department of health.  
145 The department of social services shall by regulation establish the methodology for  
146 reimbursement for case management services provided by the department of health. For  
147 purposes of this section, the term "case management" shall mean those activities of local public  
148 health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in

149 the state's Medicaid program, refer them to local physicians or local health departments who  
150 provide prenatal care under physician protocol and who participate in the Medicaid program for  
151 prenatal care and to ensure that said high-risk mothers receive support from all private and public  
152 programs for which they are eligible and shall not include involvement in any Medicaid prepaid,  
153 case-managed programs;

154 (23) By January 1, 1988, the department of social services and the department of health  
155 shall study all significant aspects of presumptive eligibility for pregnant women and submit a  
156 joint report on the subject, including projected costs and the time needed for implementation, to  
157 the general assembly. The department of social services, at the direction of the general assembly,  
158 may implement presumptive eligibility by regulation promulgated pursuant to chapter 207,  
159 RSMo;

160 (24) All recipients who would be eligible for aid to families with dependent children  
161 benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

162 (25) All persons who would be determined to be eligible for old age assistance benefits,  
163 permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards  
164 in effect December 31, 1973, [or those supplemental security income recipients who would be  
165 determined eligible for general relief benefits under the eligibility standards in effect December  
166 31, 1973, except income; or less restrictive standards as established by rule of the division of  
167 family services.] **except that less restrictive income methodologies, as authorized under 42**  
168 **U.S.C. 1396a (r) (2), shall be used to raise the income limit to one hundred percent of the**  
169 **federal poverty level.** If federal law or regulation authorizes the division of family services to,  
170 by rule, exclude the income or resources of a parent or parents of a person under the age of  
171 eighteen and such exclusion of income or resources can be limited to such parent or parents, then  
172 notwithstanding the provisions of section 208.010:

173 (a) The division may by rule exclude such income or resources in determining such  
174 person's eligibility for permanent and total disability benefits; and

175 (b) Eligibility standards for permanent and total disability benefits shall not be limited  
176 by age;

177 (26) Within thirty days of the effective date of an initial appropriation authorizing  
178 medical assistance on behalf of "medically needy" individuals for whom federal reimbursement  
179 is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an  
180 amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum,  
181 an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

182 (27) **Persons who have been diagnosed with breast or cervical cancer and who are**  
183 **eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall**  
184 **be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.**

185           2. Rules and regulations to implement this section shall be promulgated in accordance  
186 with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated  
187 [under] **pursuant to** the authority of this chapter shall become effective unless it has been  
188 promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

189           3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance  
190 pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months  
191 immediately preceding the month in which such family became ineligible for such assistance  
192 because of increased income from employment shall, while a member of such family is  
193 employed, remain eligible for medical assistance for four calendar months following the month  
194 in which such family would otherwise be determined to be ineligible for such assistance because  
195 of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42  
196 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the  
197 month in which such family becomes ineligible for such aid, because of hours of employment  
198 or income from employment of the caretaker relative, shall remain eligible for medical assistance  
199 for six calendar months following the month of such ineligibility as long as such family includes  
200 a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical  
201 assistance during the entire six-month period described in this section and which meets reporting  
202 requirements and income tests established by the division and continues to include a child as  
203 provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six  
204 months. The division of medical services may provide by rule the scope of medical assistance  
205 coverage to be granted to such families.

206           4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act,  
207 as amended, any individual who, for the month of August, 1972, was eligible for or was  
208 receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV  
209 of such act and who, for such month, was entitled to monthly insurance benefits under Title II  
210 of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter  
211 prior to October, 1974, if such individual would have been eligible for such aid or assistance for  
212 such month had the increase in monthly insurance benefits under Title II of such act resulting  
213 from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C.  
214 301 et seq.), as amended, not been applicable to such individual.

215           5. When any individual has been determined to be eligible for medical assistance, such  
216 medical assistance will be made available to him **or her** for care and services furnished in or  
217 after the third month before the month in which he **or she** made application for such assistance  
218 if such individual was, or upon application would have been, eligible for such assistance at the  
219 time such care and services were furnished; provided, further, that such medical expenses remain  
220 unpaid.

**208.819. 1. Persons institutionalized in nursing homes who are Medicaid eligible and who wish to move back into the community shall be eligible for a one-time Missouri transition to independence grant. The Missouri transition to independence grant shall be limited to up to fifteen hundred dollars to offset the initial down payments and setup costs associated with housing a person with disabilities as such person moves out of a nursing home. Such grants shall be established and administered by the division of vocational rehabilitation in consultation with the department of social services. The division of vocational rehabilitation and the department of social services shall cooperate in actively seeking federal and private grant moneys to fund this program; except that, such federal and private grant moneys shall not limit the general assembly's ability to appropriate moneys for the Missouri transition to independence grants.**

**2. Representatives of disability-related community organizations shall have reasonable access to the premises and residents of nursing facilities, habilitation centers, residential care facilities and other facilities to inform residents of community options, assess interest in community placement, and plan and facilitate any transition chosen by the resident.**

**453.072. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to a qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents. As used in this section "relative" means any grandparent, aunt, uncle [or], adult sibling of the child or adult first cousin of the child.**

**453.320. As used in this section and section 453.325, the following terms shall mean:**

**(1) "Division", the division of family services in the department of social services;**

**(2) "Maintenance of effort", state funds appropriated for the aid to families with dependent children (AFDC), emergency assistance, AFDC-related child care and the JOBS program;**

**(3) "Temporary assistance for needy families", the federal block grant moneys available to the state for public assistance benefits and programs authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and commonly known as "TANF".**

**453.325. 1. The division of family services in the department of social services shall, subject to appropriations, establish the "Grandparents as Foster Parents Program". The grandparents as foster parents program recognizes that:**

**(1) Raising a grandchild differs from when the grandparents raised their own children;**

**(2) Caring for a grandchild often places additional financial, social and**

7 **psychological strain on grandparents with fixed incomes;**

8 **(3) Different parenting skills are necessary when raising a grandchild and many**  
9 **grandparents do not possess such skills, are not aware of how to obtain such skills and**  
10 **cannot afford access to the services necessary to obtain such skills;**

11 **(4) Grandparents, like nonrelative foster parents, need a support structure,**  
12 **including counseling for the grandchild and caretaker, respite care and transportation**  
13 **assistance and child care;**

14 **(5) The level of care provided by grandparents does not differ from nonrelative**  
15 **foster care, but reimbursement for such care is substantially less for grandparents; and**

16 **(6) Grandparents are often unaware of the cash assistance alternatives to the**  
17 **federal TANF block grant funds which are available to support the grandchildren placed**  
18 **in their care.**

19 **2. A grandparent shall be eligible to participate in the grandparents as foster**  
20 **parents program if such grandparent:**

21 **(1) Is fifty years of age or older;**

22 **(2) Is the legal guardian of a grandchild placed in such grandparent's custody;**

23 **(3) Has an annual household income of less than two hundred percent of the federal**  
24 **poverty level; and**

25 **(4) Participates in the training available through the division pursuant to**  
26 **subsection 4 of this section.**

27  
28 **The division shall annually review the eligibility of grandparents participating in the**  
29 **program.**

30 **3. If there are no grandparents of a child who are willing to participate in the**  
31 **grandparents as foster parents program, the division may include in the program any**  
32 **other close relative who becomes the legal guardian of the child or obtains legal custody**  
33 **of the child, as granted by a court of competent jurisdiction if such relative also meets the**  
34 **requirements of subdivisions (1), (3) and (4) of subsection 2 of this section.**

35 **4. Subject to appropriations, the grandparents as foster parents program:**

36 **(1) Shall provide reimbursement up to seventy-five percent of the current foster**  
37 **care payment schedule to eligible grandparents, as defined in subsection 2 of this section,**  
38 **for the care of a grandchild;**

39 **(2) Shall establish program requirements, including, but not limited to,**  
40 **participation in foster parent training, parenting skills training, childhood immunizations**  
41 **and other similar health screens;**

42 **(3) Shall provide continuing counseling for the child and grandparent;**

43           **(4) May provide support services, including, but not limited to, respite care, child**  
44 **care and transportation assistance. Eligibility for child care services pursuant to this**  
45 **program shall be based on the same eligibility criteria used for other child care benefits**  
46 **provided by the division of family services;**

47           **(5) Shall provide Medicaid services to such child;**

48           **(6) May provide ancillary services, such as child care, respite care, transportation**  
49 **assistance and clothing allowances, but not direct financial payments to the participants**  
50 **in the program after such participants complete the training required in subdivision (2)**  
51 **of this subsection; and**

52           **(7) Shall establish criteria for the reduction in cash benefits received by any**  
53 **grandparent providing care for three or more grandchildren pursuant to the grandparents**  
54 **as foster parents program.**

55           **5. Funding for cash benefits and other assistance provided to eligible grandparents**  
56 **shall be made from the state maintenance of effort funds. The provisions of this section**  
57 **shall not be construed to create an entitlement for participants in the program.**

58           **6. Grandparents who are either under fifty years of age, or are fifty years of age**  
59 **or older and refuse to participate in the training pursuant to subsection 2 of this section**  
60 **but who meet the requirements of subdivisions (1), (2) and (3) of subsection 2 of this**  
61 **section, may apply to the division for foster care reimbursement and assistance. Such cash**  
62 **and noncash assistance shall be funded through the TANF funds. Any work participation**  
63 **and time limit requirements pursuant to the Personal Responsibility and Work**  
64 **Opportunity Reconciliation Act of 1996, as amended, shall apply to all such persons.**

                  [208.028. As used in this section and section 208.029, the following terms  
2           shall mean:

3                   (1) "Division", the division of family services in the department of social  
4           services;

5                   (2) "Maintenance of effort", state funds appropriated for the aid to families  
6           with dependent children (AFDC), emergency assistance, AFDC-related child care  
7           and the JOBS program;

8                   (3) "Temporary assistance for needy families", the federal block grant  
9           moneys available to the state for public assistance benefits and programs authorized  
10          by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,  
11          and commonly known as "TANF".]

                  [208.029. 1. The division of family services in the department of social  
2           services shall establish the "Grandparents as Foster Parents Program". The  
3           grandparents as foster parents program recognizes that:

4                   (1) Raising a grandchild differs from when the grandparents raised their own  
5           children;

6                   (2) Caring for a grandchild often places additional financial, social and

7 psychological strain on grandparents with fixed incomes;

8 (3) Different parenting skills are necessary when raising a grandchild and  
9 many grandparents do not possess such skills, are not aware of how to obtain such  
10 skills and cannot afford access to the services necessary to obtain such skills;

11 (4) Grandparents, like nonrelative foster parents, need a support structure,  
12 including counseling for the grandchild and caretaker, respite care and transportation  
13 assistance and child care;

14 (5) The level of care provided by grandparents does not differ from  
15 nonrelative foster care, but reimbursement for such care is substantially less for  
16 grandparents; and

17 (6) Grandparents are often unaware of the cash assistance alternatives to the  
18 federal TANF block grant funds which are available to support the grandchildren  
19 placed in their care.

20 2. A grandparent shall be eligible to participate in the grandparents as foster  
21 parents program if such grandparent:

22 (1) Is fifty years of age or older;

23 (2) Is the legal guardian of a grandchild placed in such grandparent's custody;  
24 and

25 (3) Participates in the training available through the division pursuant to  
26 subsection 4 of this section.

27 3. If there are no grandparents of a child who are willing to participate in the  
28 grandparents as foster parents program, the division may include in the program any  
29 other close relative who becomes the legal guardian of the child or obtains legal  
30 custody of the child, as granted by a court of competent jurisdiction if such relative  
31 also meets the requirements of subdivisions (1) and (3) of subsection 2 of this  
32 section.

33 4. The grandparents as foster parents program shall:

34 (1) Provide reimbursement based on the current foster care payment schedule  
35 to eligible grandparents, as defined in subsection 2 of this section, for the care of a  
36 grandchild;

37 (2) Establish program requirements, including, but not limited to,  
38 participation in foster parent training, parenting skills training, childhood  
39 immunizations and other similar health screens;

40 (3) Provide continuing counseling for the child and grandparent;

41 (4) Provide support services, including, but not limited to, respite care, child  
42 care and transportation assistance;

43 (5) Provide Medicaid services to such child; and

44 (6) Provide ancillary services, such as child care, respite, transportation  
45 assistance and clothing allowances, but not direct financial payments to the  
46 participants in the program after such participants complete the training required in  
47 subdivision (2) of this subsection.

48 5. Funding for cash benefits and other assistance provided to eligible  
49 grandparents shall be made from the state maintenance of effort funds.



50                   6. Grandparents who are either under fifty years of age, or are fifty years of  
51                   age or older and refuse to participate in the training pursuant to subsection 2 of this  
52                   section, may apply to the division for foster care reimbursement and assistance. Such  
53                   cash and noncash assistance shall be funded through the TANF funds. Any work  
54                   participation and time limit requirements pursuant to the Personal Responsibility and  
55                   Work Opportunity Reconciliation Act of 1996, as amended, shall apply to all such  
56                   persons.]

          Section B. Because immediate action is necessary to ensure adequate funding for foster  
2   care in this state, the repeal of sections 208.028 and 208.029 of section A of this act and the  
3   enactment of sections 453.320 and 453.325 of section A of this act is deemed necessary for the  
4   immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
5   to be an emergency act within the meaning of the constitution, and the repeal of sections 208.028  
6   and 208.029 of section A of this act and the enactment of sections 453.320 and 453.325 of  
7   section A of this act shall be in full force and effect upon its passage and approval.